

SENATE BILL 783
By Burchett

AN ACT to amend Tennessee Code Annotated, Title 4,
Chapter 29 and Title 62 and to enact the "Private
Process Servers Regulatory Act of 2005".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 62, is amended by adding the following
new sections as Chapter 45:

§ 62-45-101. This chapter shall be known and may be cited as the "Private
Process Servers Regulatory Act of 2005".

§ 62-45-102. The purpose of this chapter is to insure that any and all process
and writs issued by the courts of Tennessee are completed professionally and
responsibly.

§ 62-45-103. To lawfully serve process within this state, a person shall be:

(1) Licensed in accordance with the provisions of this chapter after having been
appointed under § 8-8-108;

(2) Employed by a sheriff, deputy sheriff, or constable; or

(3) An attorney or the employee of an attorney, provided that the employee of an
attorney may only serve subpoenas.

§ 62-45-104. It is an offense for any person not authorized by the provisions of §
62-45-103 to knowingly serve process within the state.

§ 62-45-105. The department of commerce and insurance shall issue a private
process server license and state identification card to any individual who meets the
qualifications and requirements set forth by the department.

§ 62-45-106.

(a) To be eligible to be a private process server, a person shall be:

(1) At least eighteen (18) years of age or older;

(2) The recipient of a high school diploma or GED;

(3) A person who has not been convicted of a felony or misdemeanor involving moral turpitude;

(4) A person who has received certificate of a completion of a six (6) month training period under a licensed process server;

(5) A citizen of the United States; and

(6) The recipient of an active Tennessee driver's license.

(b) The department may, by rule promulgated in accordance with title 4, chapter 5, require such other standards and qualifications as are necessary to further the purposes of this chapter. The department shall also promulgate any other rules necessary to efficiently administer and implement this chapter, including the procedure for suspension or revocation of a private process server license and the grounds for such suspension or revocation.

§ 62-45-107.

(a) All applications for a private process server license shall be accompanied by proof of coverage of at least two hundred fifty thousand dollars (\$250,000) of blanket general liability insurance, errors and omissions.

(b) The initial licensure fee for a private process server shall be determined by the department but shall be no greater than two hundred dollars (\$200).

§ 62-45-108. The department shall create and maintain a data base of all persons licensed as private process servers, the date on which they were licensed, the date the license expires and the licensee's identification number. The information in

such data base shall be posted on the department's internet home page. When the department issues a new private process server license, the applicable information of the new licensee shall also be posted on the home page.

§ 62-45-109. A private process server license and state identification card shall be valid for one (1) year from the date of issuance. It may be renewed by submitting an annual renewal fee, to be determined by the department, of no greater than two hundred dollars (\$200), proof of continuing liability insurance and proof of attendance at a certified continuing education course of a minimum of sixteen (16) hours by a POST commission state certified training officer during the previous year.

§ 62-45-110. Moneys derived from the licensure and renewal fee shall be used for the implementation and enforcement of this chapter, any rules and regulations promulgated by the department and the cost to the state of producing and issuing the state identification cards.

§ 62-45-111.

(a) There is created a private process server review board composed of an attorney, judge or retired judge, a representative from the Tennessee Bar Association, a representative of the sheriffs' association, three (3) private process servers, with one (1) being from each grand division of the state, and one (1) representative from the department of commerce and insurance.

(b) The purpose of the review board is to assist the department in the administration and implementation of this chapter and to advise the department in the promulgation of rules setting out the qualifications and standards required of a licensed process server.

(c) Members of the board shall serve terms of three (3) years and shall serve until their successors are appointed. Members shall serve without

compensation for their services. Whenever practical, members shall conduct business through conference calls.

§ 62-45-112. All licensed process servers shall be required to affix their signatures and the number located on their state identification card to all returns of process made to the court.

§ 62-45-113. A private process server who has been appointed pursuant to § 8-8-108 for at least two (2) years and who, on the effective date of this act, is actively engaged in the serving of process is eligible for a private process server license without complying with the requirements of this chapter. Provided, however, all licensed process servers must attend, in order to maintain such license, an annual certified continuing education course of a minimum of sixteen (16) hours required in § 62-45-109.

§ 62-45-114. A violation of any provision of this chapter is a Class A misdemeanor.

SECTION 2. Tennessee Code Annotated, Section 4-29-228(a), is amended by adding a new item thereto, as follows:

() Private process server review board, created by section 62-45-111;

SECTION 3. For the purpose of the department promulgating rules and creating applications for a private process server license and state identification cards and appointing the private process server review board, this act shall take effect upon becoming a law, the public welfare requiring it. For the purpose of applying for a private process server license and all other purposes, this act shall take effect October 1, 2005, the public welfare requiring it.